

**CENTER CITY ADMINISTRATIVE DELAY AD HOC COMMITTEE**

**MAY 30, 2019**

**EXECUTIVE CONFERENCE ROOM, CITY HALL**

**11:00 A.M.**

Committee Members Present:

Councilmember Bill Hickman  
Jim Adair  
Cameron Brewer  
Lee Hall  
Keith McCabe  
Richard McKown  
Autumn McMahon  
Byron Morris  
Councilmember Holman

Staff Present:

Jane Hudson	Todd McLellan
Anais Starr	Carrie Evenson
Beth Muckala	Scott Sturtz
Terry Floyd	
Sara Kaplan	
Amber Armstrong	
Roné Tromble	
Tara Reynolds	

Committee Members Absent:

None

Public Present:

Jayne Crumpley	Brad Worster
Russ Kaplan	Tammy McCown
Peter Petromilli	Dustin Graham
Kamala Jolly Stewart	
Sally Allen	

Councilmember Hickman – I'm going to call the meeting to order. This is the Center City Administrative Delay Ad Hoc Committee meeting for Thursday, May 30<sup>th</sup>. We have several items on the agenda that we're going to start working on.

First of all, welcome everybody for being here. Thank you to all our great volunteer committee members for continuing to help us out as we're coming down the final stretch run. And to everybody in the audience and staff.

The first item on our agenda is to continue our discussion regarding a special use permit requirement for dwelling units 4 or more bedrooms. Jane just passed out a draft of the proposed amendatory language. If you'll look at the last page, and I'm going to have either Jane or Beth give a quick summary of what's in this handout and, in particular, the last page.

Ms. Hudson – Beth is going to – it is the very back page of that document that you received.

Ms. Muckala – I think at the last meeting on the 21<sup>st</sup> there was discussion of the agenda item that related to the 3 unrelated rule. There was a suggestion of let's discuss a special use similar to the CNZOD in our zoning ordinance. On the very back page of this draft is subpart H. It's all brand new. This draft is based on the CNZOD but is to fit into section 7 of Center City as it's set up. There's a use table that is penciled in. This is a rough draft of what we would suggest.

Councilmember Hickman – The part that applies to the special use permit is primarily on the back page.

Ms. Muckala – Yes. Subpart H. All brand new.

Ms. Hall – Is there a reason Detached Frontage is not on there?

Ms. Muckala – No. Oversight.

Ms. Hudson – I think we've taken it out in some areas and probably just didn't get it put back in.

Ms. Muckala – In fact, I know what I did. Instead of putting Detached, I accidentally wrote Middle Neighborhood Frontage in there. So replace Middle Neighborhood Frontage with Detached Frontage.

Ms. Hall – I was wondering if this Middle Neighborhood Frontage – is that the name for – what is the name for the pink now?

Ms. Muckala – I believe, if I got it right, that's the name for the pink.

Ms. Hall – Okay. So that's the pink. That's what I was thinking. Thank you.

Councilmember Hickman – So we will actually leave the Middle Neighborhood Frontage in and just add Detached Frontage.

Ms. Muckala – I did that wrong. My apologies.

Councilmember Hickman – No problem. Basically, if I understand this correctly, Beth, if you have an existing structure and you add one or more bedrooms and that puts your bedroom count over 4, you have to get a special use permit, and/or if you build a new structure – dwelling unit – that has 4 bedrooms or more, you have to get a special use permit.

Ms. Muckala – Yes.

Mr. Morris – What's the process involved in getting a special use permit? I've never gone through that before.

Councilmember Hickman – Yeah. Good question.

Ms. Muckala – That is set forth in our general zoning ordinance. This special use language, you'll probably see, references back to that general language in a way to incorporate it so that it will be generally the same process will be followed. But a special use will go through Planning Commission and City Council.

Ms. Hudson – Special use goes to Pre-Development, Planning Commission, and City Council.

Mr. Adair – Typical expense involved?

Ms. Hudson -- \$400.

Ms. Tromble – No, it's more than that.

Ms. Muckala – Is it \$400 for application plus the cost of the notice?

Ms. Tromble – You've got Pre-Development is \$125. I think a special use is \$400 plus \$10 per acre or portion thereof. Then you've got your ad in the newspaper which is – I'm not sure because I don't pay those, but it has a map attached so it's a fairly good-sized – it's probably \$150 because most of this area would have lot and block descriptions so it wouldn't be a metes and bounds. And then you would have to get a certified ownership list as well, and I think the minimums on those anymore are \$250.

Ms. Muckala – Getting more information on that. Our special uses are set forth in Chapter 22, section 434.1 and the special uses, as you probably are aware, can be passed with certain conditions and restrictions. It's a very case-by-case type decision that allows it to focus on each individual property. So occupancy considerations can be addressed during that process easily.

Councilmember Hickman – Just to reiterate what you just said there, Beth, so it's clear, I think, to everybody. If someone does come forward for a special use permit for a 4-bedroom, and they anticipate renting it out and they wanted to have an occupancy level of 4, they could get that authorized and legal through the special use permit process.

Ms. Muckala – Yes.

Councilmember Hickman – Then they would not have to worry about the 3-unrelated rule. They would be legally allowed to have 4 unrelated people there – or 5, or whatever.

Ms. Muckala – That type of language could be put in there as an occupancy condition. Yes.

Mr. McCabe – So it's not in there now?

Ms. Muckala – Because these come on a case-by-case basis, they're all specific to the ordinance that they're passed with. So it would be in that ordinance, as opposed to written in the code specifically.

Councilmember Hickman – Somebody may build a 4-bedroom single-family home and not ask for the occupancy level authorization for 4 unrelated people. Right? Keith, I think that's kind of why it's a case-by-case deal.

Mr. Adair – It would still have to come in front of the Council.

Councilmember Hickman – It would still have to go in front of Council. Yes. I guess as an alternative, if somebody had other things they wanted addressed, they could go through a CCPUD, which we've had some of that already done.

Ms. Hudson – Right.

Councilmember Hickman – If we had a developer who had some other things they wanted deviations from that was building a unit that was 4 bedrooms or more, they could also follow the CCPUD process and kill two birds with one stone, if you will – ask for variances or relief from certain requirements in the Form Based Code and the 4 bedrooms.

Mr. Morris – Where the special use permit would be just for the 4 bedrooms?

Councilmember Hickman – Correct.

Mr. Morris – If you didn't want to deviate from anything else.

Ms. Hudson – We've had minor deviations with special uses moving forward. Just for an example, we have a masonry requirement and so we've had some applicants that have moved forward in the standard zoning ordinance with a special use – they've done a variation for the masonry requirement on a certain percentage – for one of the walls, or something like that – in addition to requesting special use for a church in a specific zoning district. They're minor variations. Like Councilmember Hickman said, we wouldn't want to get into a whole list of everything; that really should be done as a CCPUD. But there can be minor variations included.

Mr. Morris – Is the typical timeline for special use similar to a CCPUD?

Ms. Hudson – It's identical.

Councilmember Hickman – Yeah. The steps you have to go through – notice, Pre-Development, Planning Commission, and City Council – I think are the same.

Ms. Hall – I was going to say one of the other advantages I see to adopting this is it does put another building block in place to encourage more diverse types of housing that is missing right now.

Councilmember Hickman – I agree.

Mr. Morris – I don't know the logistics of how it works. Let's say someone is going through the special use permit and they're adding the 4<sup>th</sup> bedroom and they're wanting to rent it out, is it in the rights of the City Council, or even before that the Planning Commission, just to say no?

Ms. Hudson – We take every application forward. You might get to Planning Commission and they might recommend denial for it, but they recommend, and so you still go to City Council to get a vote of yea or nay.

Mr. Morris – Okay.

Councilmember Hickman -- Byron, I think, putting my pseudo lawyer hat on for a second, I would say that there are legal standards that Council has to rely upon in making our zoning decisions, and those would be the same whether it was for a special use permit or a PUD or any kind of rezoning request. I think it's important to understand that there are standards that we have to follow when we make our zoning decisions, or we could end up in litigation.

Ms. Muckala – Absolutely. Yes. Now with special uses, there's additional language applicable because with special uses you are going to be looking at a more intense use of that property versus the permitted use. So that would be applicable as well. But the standard and the evaluation would be the same, and the authority of the Council or Planning Commission to recommend denial.

Mr. Brewer – To the cost, similar to the timeline, how does that compare to a CCPUD as far as overall cost – if you're going CCPUD or special use permit?

Councilmember Hickman – Do we know if the costs are the same?

Ms. Tromble – They're very similar.

Ms. Hudson – For a special use, it would be \$400 plus \$10 per acre. For a planned unit development, it's \$500 plus \$10 per acre. Then, of course, the ad and everything else follows in suit with what Roné was saying.

Mr. Brewer – I was just going to say I'm more interested in the process being in place and less the cost being prohibitive. It sounds like it's fairly minimal, but if there's anything we can do, but I know it requires extra meetings as well, so that's a consideration.

Councilmember Hickman – I think this is something that can have a positive effect for the development community, if they want to clear the path on being legal to have higher capacity and not have this issue about the 3 unrelated rule, but also – because we don't have a design review committee at this point, it's an opportunity for these larger structures at least to go through a process where there's some extra eyes on them and involvement of others in the community.

Peter, did you want to say something about the dollar amount?

Peter Petromilli – No, I just want to say something about the process. If I remember correctly, dormitories, assisted living, congregate living facilities, boarding houses, and other similar type facilities are allowed – or permitted uses in these areas. So any of those structures having 4 bedrooms is typical – or more – it would be more than typical. So, essentially, there would be no reason for a special use, because it's already permitted.

The issue is in permit – they're being permitted under residences and not the correct use type. It's not is this allowed; it's where they're being permitted. It's just not being permitted correctly. Once these uses are permitted correctly, they'll be built to those standards, which are already allowed. There should be no reason for a special use permit, because these uses are already allowed; it's just how they're being permitted. It would be an easy questionnaire when you go through building permit – okay, I see that you have a 6-bedroom house. Is this a rental property or is this a non-rental property? If it's a rental property, okay, well then that goes under whatever – congregate living facility or dormitory or whatever it is, and you go to Amber and then you have to meet those standards. It's not a use issue. At least in my humble opinion, it's not a use issue, because the uses are allowed. It's just they're being permitted incorrectly.

Ms. Muckala – As Center City code is written without these changes, these facilities – congregate living, group living – would be allowed to have 4 bedrooms without the special use. This language adds the requirement of a special use when you go above 4 bedrooms and that is, again, legally tied to an evaluation that, when we get to the 4 bedroom mark, use is intensified to a point that justifies a special use being evaluated, as opposed to a permitted use. That would be a change. Without this language, there would not be a special use requirement.

Mr. Petromilli – The rule of 3 doesn't apply to dormitories or congregate living or a board house or an assisted living facility or all these other approved uses. Again, there is no special use – it's a permit issue.

Councilmember Hickman – We're going with it from a bedroom perspective; it's not about 3 unrelated rule. It's about the increased density that comes with these and intensity of use that comes with these larger structures that have 4 or more bedrooms in them. I think you can drive down there right now and see that there are challenges arising from those kinds of structures – whatever you want to call them – congregate living, group housing, whatever. That, I think, is why this issue is on the table.

Ms. Muckala – I could just add, again, I stated before and I'll say it again, the use table that's shown in that is very preliminary. The majority of what you should be looking for the idea of this framework is in subpart H. That table will be based on the committee's recommendation and what ultimately goes to Council, but it will reflect, as Councilmember Hickman said, a bedroom limitation within those categories already listed. So it would apply.

Councilmember Hickman – I think anybody who participated in the charrette process, the visioning process that goes back to 2014, and has read the materials from those various meetings and the community feedback – the way I look at this is that this is a measure to help insure and promote that we have the missing middle housing that was intended for young professionals, that was intended for empty nester families – adults like me -- that was intended for seniors, that was essentially intended to be housing that we don't have currently in this area and, frankly, by and large what's been built so far is not anything necessarily that I would consider the missing middle housing. This is an opportunity to put something in place that still allows what's being done, just through an

additional process. Hopefully it begins to incentivize and encourage the construction of the missing middle housing that was really the vision of what Center City was intended to create and provide for.

Mr. McCabe – I have two. Can this be retroactive back for existing structures? If somebody is wanting to take an existing structure into this that is already pre-built and under the Form Based Code. Can they take it through your special use permit if they have more than 4 bedrooms to try to get the exemption?

Ms. Muckala – I'll take your question in parts. As to whether it could be retroactive, we could certainly write the code provision in a way to be retroactive. That is not what we've done so far. What was done when Center City was passed is all existing structures that are developed in now Center City zoning, are grandfathered under the previous zoning – the structures are. So moving forward with that type of process would probably be consistent. We can certainly evaluate retroactive language if that was what the committee preferred. That is not what this draft is trying to do right now.

Councilmember Hickman – I think, to Keith's point, and I think it's a fair question. If Keith wanted to come forward with one of his existing structures to try to, I'll say, get legal – not saying he's not legal, but let's just say, hey, I've got this 4-bedroom. I like this idea of this special use permit; I'd like to go ahead and get a special use permit for occupancy of 4 here after this is put in place, it seems to me that he could probably do that. If he got denied, it just stays as is – it's not in violation of the existing ordinance, but if it gets approved then he's got his special use permit for occupancy of 4 people.

Ms. Muckala – In the situation that we move forward with them being grandfathered, you wouldn't have to ask for it. You would certainly be able to ask for it.

Councilmember Hickman – He wouldn't have to, but if he wanted to he wouldn't be prohibited. Right?

Ms. Muckala – Right. I've never seen an application that's come forward asking for something to be formalized that was grandfathered that, when denied, would have destroyed the grandfathered use. I don't think the provision would act that way, again, unless we were to draft this a lot more specifically. So coming forward voluntarily to get the special use, even though you don't have to, I'm certain that would be permissible.

Councilmember Holman – I would say maybe one way to resolve that would be to say, if it's denied, then it just remains a non-conforming use. I guess if something happens to the structure, you run the risk if it's a non-conforming use, that you won't be able to reconstruct it the way it was.

Councilmember Hickman – Or use it the same way.

Councilmember Holman – Use it the same way it was used before. The process of making it legal would mean – to me, anyway – that you'd be consistent and if something happened to the structure you could reconstruct it and use it the way that it had been

historically used. If we denied your request, then it would just remain a non-conforming use, so you wouldn't automatically have your use taken away from you.

Councilmember Hickman – That's a good way of putting it. I think that's right.

Councilmember Holman – I'd be okay with that.

Councilmember Hickman – Do I have a motion?

Ms. Hall – Motion to adopt.

Councilmember Hickman – Do we have a second?

Mr. McKown – Just one question on this. In the yellow area – my house has 5 bedrooms in it – single-family house in a single-family zoned area. Can I, assuming it meets the shape – I would need to modify the shape of my house a little bit, but if I wanted to move down here, do I have to get a special use permit to build my 5-bedroom house?

Councilmember Hickman – Yes.

Mr. McKown – Are we actually comfortable with that?

Ms. Hall – Yes.

Mr. McKown – I mean, without question, this is a loophole that's going to get a truck driven through it. I'm not trying to create a loophole. There does seem to be something here that needs to be looked at, because this doesn't feel good.

Ms. Hall – Well, I guess it depends on your point of view on whether it feels good or not. You still have the ability to come and build your 5-bedroom house; it just takes a couple more steps. One of the advantages to the community that lives in this neighborhood and is focused on this neighborhood daily is the fact that there's notice. One of the things that's happening that doesn't have anything to do with a homeowner wanting to come and relocate in Core Norman is we have investors, generally speaking, that don't live in Norman, that live out-of-state, that are coming in and building out-of-size, out-of-scale questionable design, from my point of view, and they're being built as investment properties. Or they're being left empty because they're football houses, which is a new trend.

Mr. McKown – I get that.

Ms. Hall – You can still build your 5-bedroom house. It just takes a little bit more thought and care to get it done.

Mr. McKown – How much in terms of fees are we going to charge?

Councilmember Hickman -- \$500.



Mr. McKown – Including notice and ...

Mr. Adair – Notice, publication, abstracting for an ownership list – you're going to be over \$1,000.

Councilmember Hickman – So probably about \$1,000 is what I'm hearing.

Ms. Hall – I'd also throw in for your consideration – I participated – I don't have perfect attendance through the entire process – but was pretty active from the entire process beginning with the charrette and seeing the consultants come in and do their presentations. One of the things that was not accomplished, for various reasons, from the first go around was the lack of an architectural review board. Part of what came with an architectural review board was notice to the neighborhood. That is a really big piece that's still missing. This is just another way to accomplish that, because we already have – I'm trying to think if I can come up with one example – oh, I can come up with one, of a new build in Core Norman that was purchased by someone who intended to live there and be part of the community. Every other single-family home that's new construction in the last 4 years that's been built has been built by somebody who does not live here.

Mr. Adair – Lee, are you proposing this then in place of an architectural review board?

Ms. Hall – No.

Mr. Adair – Okay. I just wanted to make that clear.

Mr. McCabe – In my mind, you're taking away the right that I have existing right now to build what I want to build, and you're making me take it in front of a permission, so I no longer have the right that I have currently have right now to build, that you're wanting me to go ask permission to build. I have to depend upon whether I appease my neighbors on my personal property, and I make you happy, so I can build what I want to build. Now, if this is a way to honestly talk about the 3-unrelated rule, how is this not going to be pushed back – how can you grant it, City Councilman, knowing it is a rental property, when you have a law in fact that says no more than 3? How are you actually going to be able to say we approve – I understand apartments. I understand boarding houses. But an individual house, how are you going to approve what your law says you can't? I just see that you're taking away an existing right. Again, it's not the structure, it's not the duplex. The duplex is listed in the missing middle. It's not the type of building; it's the way it's being used. It just seems like you're taking away a big right. That's honestly what you're asking us to do.

Ms. Muckala – I heard some legal questions in there. The first one is that this section doesn't actually work to avoid conflict with the 3-unrelated rule. Whether it is a special use or a PUD, the language that is attached to whatever is granted becomes the superceding document, meaning provisions that are part of the special use get incorporated into the zoning ordinance, and therefore those general rules do not apply

over the specific rule for that property. A PUD actually replaces the zoning, so it would act the same way. My understanding is we have had mechanisms like this before that have addressed occupancy concerns in this specific way. As a mechanism, it would legally function the way that we've discussed it today. As far as an evaluation of rights in zoning, whenever a zoning restriction is passed, it will be a burden to one and a benefit to another. There's no getting around that. Whether a right is being taken away can be said with respect to any zoning regulation that is passed. A municipal zoning power is quite broad -- it's the broadest of all our police powers -- as long as restrictions are discussed in terms of needs, benefits to the public, the public good -- because the City is legally bound to consider, not just one property owner, but everyone's rights in the City. Then the discussion is being had in the right place.

Mr. McCabe – Would it be beneficial, then, that you could actually ask the people that live on the block, instead of people that live 5, 6, 7 blocks away? Who gets to determine?

Ms. Muckala – Are you asking about the noticing procedures?

Mr. McCabe – When you talk about the neighbors, get the right to choose – the neighbors on the west side of Norma?. I'm just asking.

Councilmember Hickman – I want to interject. To me, this is a two-prong issue. One is the community that went through the Center City Visioning Process, not the owners that live there, not the people that live there. It was the community. Everybody in the City of Norman – and people even, frankly, outside the City of Norman – we brought in experts and created this vision. We're not, in my opinion – I think most people would agree – what's happened the first 18 months has not necessarily been consistent with that vision. In order to fulfill that vision of having a variety of the missing middle housing types of structures that can house the varying types of groups of people that were discussed that people want, primarily being the young professionals, we have to motivate the investors and developers in this area to ensure that those other types of missing middle housing opportunities are fulfilled. As Cameron and others have said, this is a 20-year project. So if it takes a little bit of time for some reason for those things to come, then that's not necessarily a bad thing. But, more importantly and on top of that, why it's a community issue is that there is a \$40 million TIF here. Every private property owner – every investor stands to have enhanced value to their land through that \$40+ million of public money invested. If that TIF wasn't there, I would maybe be a little bit more I'll say lenient or understanding or sympathetic. Because we're going to start spending the people's money to improve those areas, then I think that there are trade-offs, like Beth said, on the zoning side of things that it's a give and a take. Part of that give and take is helping to ensure that the vision that the people want, both through that TIF and through the process that was gone, that we do what we can to guide that process that is fulfilled. I think most people would agree that the scale of the dwelling units constructed so far have exceeded what was the vision that most people anticipated in the context of the number of bedrooms in these units.

Mr. McCabe – The TIF money, which is the people's money, but it's coming directly from the product that I build, because I'm taking a house down that paid \$700 a year in

property tax and now I'm paying \$5,700 a year for the same piece of dirt. That's where the TIF money is coming from. It's because out of the taxes that I am paying.

Councilmember Hickman – It's being reinvested in that same area because the City Council created the TIF, otherwise that money would go everywhere.

Mr. McCabe – It's not just magic money.

Councilmember Hickman – If you want us to unwind the TIF, we can.

Mr. McCabe – I'm just saying it's not magic money that's just coming out of the air.

Councilmember Hickman – It was put in place because of City Council's actions to enhance this area for the community.

Mr. McCabe – But it's not a gift.

Councilmember Hickman – I understand.

Mr. McCabe – It's not a gift.

Mr. Brewer – Keith, I would argue, as a property owner, that having a TIF – that's going to be absolutely beneficial for you.

Mr. McCabe – I'm not saying it's a bad deal. Please don't get that. Don't hold it over my head that we're doing this for you. Okay.

Councilmember Hickman – We are creating the TIF to enhance the value of this area for the entire community. I understand the enhanced value of your property is the money that's going back into it, but otherwise, without the TIF, that money would be going county-wide.

Mr. McCabe – So we have, again, a difference of opinion on how personal property is being used.

Councilmember Hickman – Do you want the TIF to stay in place or not? Let me just start there.

Mr. McCabe – Are we arguing at this point?

Councilmember Hickman – I'm trying to make sure I understand that we're on the same page.

Mr. McCabe – Are we going to argue at this point?

Councilmember Hickman – No.

Mr. McCabe – Okay. Then can I speak?

Councilmember Hickman – Okay.

Mr. McCabe – Or if you want to argue, we'll argue. Either which way.

Councilmember Hickman – Go ahead.

Mr. McCabe – The pink, from Duffy to Boyd, Asp to Campus Corner, is college kids. Always has been; always will be. If you want to talk about the charrette, I will tell you I stood up in front of the charrette and said make this college, because don't put a single-family beside my fraternity house. That's what the pink is. That's what it was supposed to be. Then when they became a professional or a young family, then we want to see them go to the blue. That's the way we're directing them. Then to the orange. When they start having a family, they go to the yellow. That was the clue. That was the step. You're not going to bring a senior into the college area on a \$200,000 lot, living beside the fraternity boys. Who would even want to? I understand everybody wants to live on the ocean front. I get it. Me, too. But when you talk about the neighborhood and the community, I'm going to tell you right here right now I have been one of the only people standing up and when we put this in place you actually put in place the complete annihilation of my – and I'm going to use the word – my neighborhood. You actually put in to completely bulldoze my neighborhood. Yet, I keep hearing everybody is worried about the neighborhood and what we're going to build. You put in place to bulldoze it.

Ms. Hudson – Being a City staff member and being the one that they come to visit with and ask questions about this process and about how the document itself will move forward – it's like I said last time – I don't remember who I said it to – I am the messenger, in a sense, and I just want to make sure that everyone is clear that I have had two people come visit with me that own property in the area that we're turning to the pink, and they are seniors, and they do want to build single-family homes there. They realize that there's – they own property there, too. They do understand that there's college students in the area, but they are very interested in building their single-family homes there.

Councilmember Hickman – And they can.

Ms. Hudson – I just wanted to make sure that it was clear.

Mr. Adair – Bill, last time – don't let me put words in your mouth inappropriately. I think last time you called this belt/suspenders. A few months ago you referred to it as incentivizing what we want. I absolutely agree it's belt/suspenders. I've expressed over and over again that I've been concerned that we're systematically taking down the density here. I fully supported the increase in the parking requirement. I felt like neighbors were being abused. After significant discussion about the drainage issues, I think we got it to a good point and I think, hopefully, staff may come up with some good incentives that may help City-wide. When the City did this in the Old Silk Stocking area – I wasn't personally involved with it – I was very, very opposed to it and, to be honest with you, I'm still philosophically opposed to it here. If you want to build a single-family home and 4

bedrooms and we tell you that now you have to wait 90 to 120 days and go through the entire zoning process, I think that's excessive. I think the cost numbers do matter. I've done special use permits in recent years. I'm comfortable enough with our staff and our Council, and mine have been hopefully not subject to enough criticism. I've taken them through myself. An awful lot of people aren't comfortable doing that. You put a couple of thousand dollars of attorney's fees on top of that, because most people aren't comfortable to stand in front of our Council and present their case, because they don't know the landscape. I think this is expensive. I think it's excessive. I think we've got other issues, as we've said, yet to discuss. We haven't talked about excluding the yellow area yet. We haven't talked about architectural control. We're going through these things systematically, and every single time we're pulling density down in this area. I'm sympathetic with the homeowners there. I am not happy with what we have seen built. I hope the builders in the area will listen, will pay attention, and will try and do something different. But I think we're getting really, really close to the point here where we're going to affect existing property values. And that really bugs me.

Mr. Brewer – To one of your points, I am worried about the cost, so I think that's something we should strongly consider, even if it's specific to the yellow area, that we reduce that cost due to the single-family home concern.

I am current chair of the Historic District Commission. As perspective from a street that is two streets away, that's near a historic district, the character – especially if you're looking in the yellow area – the character of the yellow area is very, very much the same as what is in the historic districts currently. Part of the reason that yellow area is not in there is there are a few homes in there, but there are not enough contributing homes that you can establish an historic district in those areas. However, the vast majority, without looking at the survey, are in a very similar character, even if they've had a few changes to the exterior of those homes. As far as if you're looking specifically in the yellow area, I do think that there is a strong reason to consider this for that area, because you are looking at the character of homes and you are looking at what fits in the context of that neighborhood. If the cost is prohibitive, then that's something that I, personally, think we should look at. However, as a review, if you're comparing historic district review to what we're talking about here, it's a much more stringent process at historic district. This is much more flexible and open in that regard. There's a very fine line between the two as far as character goes – between existing historic district and the yellow area. So the more protections we can add there with the review, with the process, the better in my opinion.

I have thought about this particular agenda item and this addition to the Form Based Code since the last meeting more than anything. When I initially heard the idea, I wasn't sure what to think about it. The belt and suspenders idea – I feel like to date we have put in – I do think that in some sense we are decreasing density. In my opinion, the decrease in density is to a level of density that I'm comfortable with. I think that there's still quite a bit of allowance, especially in the orange and red, and even with what we've done with blue, to have some pretty incredible density for this area that will add a lot of vitality to this area, especially, again, if you're looking at this over 20, 30, 40 years' time. In part, that's my perspective, because I hope to live 40 years and see all this come to fruition.

I do think that, Keith, to one of your points, if the Council is reviewing this, and if they're giving an honest approach to reviewing this into what the context of these different areas, that's part of the advantage of switching that area back to pink. Because I completely agree with you. I think that this area is prime and important and great for student housing. The proximity to the University, I think, is a huge plus for all involved because that puts students walking to the University, not driving to the University, which creates a whole cycle of other things that are going on. As far as proximity, I think that's fantastic. If there was an application that came forward that had 4 or more bedrooms in the pink area, my hope would be the City Council would see that and say what is the context of this area? What's around there? What makes sense? If student housing makes sense for this project, because that's what's surrounding that area, the proximity to the University. I'm not necessarily saying that's exactly how it will play out. But that would be my hope as far as the process -- that it's an honest process that is context sensitive -- that is case-by-case sensitive.

Again, going back to the Historic District Commission, we have standards, we have guidelines, but it is always case-by-case. It's always in the context of what that lot means to the houses around it, what it means as far as design -- not its use, but scale oftentimes translates to use. So there is a number of considerations here, and I am comfortable with this process for the entire area. Going back to what I said earlier and one of the concerns, I don't know if it's specific to the yellow area or to the process as a whole, but I don't want cost to be a prohibitor because I also want to see this area built out. I think that's very important over time to the TIF side. If things aren't built, there's no added value to the TIF and one of the biggest, most transformational things that will happen in this area over a period of time will be the public infrastructure that we can put in place. That will be what will achieve the vision. I think, to date, we have not seen a single public infrastructure project that's tied to the TIF put in place. Once we start seeing that built, I promise you from a public perception side, it's going to start achieving that vision over time. But we also have to have money to match that. We have to have property value increase to match that.

I have said that I want this to be built out. I want it to have increased density. I want it to have the right kind of density, while not being prohibitive. But context matters. Keith, you can say it's your neighborhood and that's fine. I think it's all of our neighborhood. I think that Campus Corner and Main Street are the two areas in Norman that are for all of Norman; they are everyone's neighborhood, because those are the two areas that are truly unique, outside of the University, in Norman. That's what makes Norman a special place. Everything in between there matters. If we're trying to create a meaningful connection between Campus Corner and Main Street, then everything in between there matters. If those are places for everyone, and we're trying to create a connection between those two, then that's everyone's neighborhood right there. As a neighbor -- I live on Lahoma -- I am going through this neighborhood -- this entire area on a daily basis. I see it as my neighborhood, as well. I also see there are places in this entire area for different kinds of uses, for different mixes of uses, and I think those are really cool. That's what could be so cool about this project, is that you do have those mixes. It is not purely single-family; it's not purely commercial; it's not purely industrial or anything like that. You get those mixes and you get those changes as you move from one street to the next, and you get those transitions. That's why a process to think about context is a good thing, in my opinion.

Councilmember Hickman – I just want to interject real quick. I 100% agree with Cameron. I was on the Historic District Commission. Keith, for what it's worth, and I'll put it on the record here to maybe alleviate any concerns you might have. I agree with Cameron how these special use permits would be analyzed from a Council standpoint and that, if you're in that pink area and you're by the ocean and you're coming forward for a 4 or 5-bedroom duplex, I would be willing to say that I think likely my position would be that is where we want it. That's why this committee is doing what we are doing and creating those differing areas, which I think was a part of the vision. I think that's part of where we got off track when we initially launched this thing.

The other thing I want to say – people may disagree with me, but I actually feel like we are increasing density, and I don't think this has any effect on density. I say we're increasing density because, if you look at the map in the blue, we have now said that in blue it's 3 units or more under structure or connected. Right now what's being built in blue are 2 units. Now, I guess you could debate are we considering density by the number of bedrooms – the number of bodies – or by the number of units? I'm considering density by the number of units. Because we want more people – diverse people – living in this area. By now saying blue is 3 units or more, when we were only getting 2 units, that's actually, from my perspective – I don't know what all the books would say and the ULI people would say -- but to me, we're actually saying it's going to be more density because now we're making it clear we want more units in blue, and kind of how we have defined those categories. I don't see that this really has an effect on density, from my perspective. You could say it does because it may result in fewer bedrooms. But as an overall end result of what we have done so far as a committee, I think we are increasing density because of what we've done in the blue area. If you look at the size of the blue area, it's a very large portion of this entire Center City area. I just wanted to interject that.

Cameron, I'll go back to you real quick, and then we'll go around the horn.

Mr. Brewer – One more thing on the cost side, just as a comparison. Historic District Commission application is \$75 fee, whether you're adding an over-size deck or over-size fence, up to building a single-family home. I don't know if it would be \$75, but that seems like a reasonable comparison, especially when you're looking in the yellow area at single-family home as somewhere we could look to.

Ms. Hall – I totally agree with everything that you said, and love the way you said it. I do want to address the concern about the cost. If you feel like that is a hardship and you're an investor or builder or developer, I would like to remind you all that residents have to go through this same process when they're requesting rezoning. We have done that multiple times in the last couple of years, and there's no discount for an individual who wants to request a zoning change from the City of Norman. I'd also like to remind you all that this type of process for a citizen to protest or to have a voice in what's happening in their neighborhood – this is the only tool that a citizen has to effect change or to have a voice in what's happening in their neighborhood. So it's been done. We figured out how to do it. I don't see it as a complete hardship, honestly. It's the same thing that an individual has to do.

Mr. McCabe – Let me clarify why I get upset. When I constantly hear my opinion does not matter because I don't live in the City of Norman, and I'm going to be honest with you, that bothers me. It's bothered me from the very first charrette meeting that I ever sat at a table that said I wasn't welcome. I also know that I've spent over \$4 million out of my pocket improving my neighborhood. When I hear that my opinion doesn't count, it does bother me. I make it perfectly clear that I don't live in Norman. I understand I don't vote. Trust me. I'm told daily. That's why I get upset.

Mr. Brewer – Keith, to that point, you're serving on this committee and your comments here – I think we all know that's not true.

Mr. McCabe – I'm going to trust you, brother. Sometimes I think I'm the scapegoat up here. Trust me.

Mr. Brewer – I'm sure you get comments, but I'm saying ...

Mr. McCabe – It's worse than comments. We've put a sprinkler regulation in over 4. We're putting parking in if you have over 4. Now we're wanting to make you go do more if you do over 4. How many more are we going to do for over 4? If we're just wanting to stop it, okay. I wish in my heart that I could truly believe what we're saying this would do is what it would do. There's no guarantee. You're taking away a right and asking me to ask for permission. I really, really wish in my heart that it would truly do what you want it to do. I am going from something that I believe I can do right now, then I can't. I'm relying upon other people. I know that's what you want. I know where you want to go, and I really do. I wish this committee would solve that problem for us. I'm afraid of it. That's just being truthful.

Councilmember Hickman – I understand.

Mr. Adair – Bill, do we intend for Council simply to amend the Center City ordinance, or are we going through full notification and a rezoning of the area again?

Councilmember Hickman – It will be a full notification and a Council vote.

Russ Kaplan -- Resident at 420 West Eufaula in the yellow, Detached Frontage. Property investor, not in Center City Form Based Code, but all surrounding it. I am excited to see this come to fruition and to see the increase in density. I like to eat out a lot. We need more bodies down here to support more restaurants on Main Street and support our ground floor retail. We need that. So I'm concerned about density.

My comment right now is actually as a homeowner in the yellow. I understand everything that Lee brings forward from the other residents about their concerns about what might go in next door to you. I get that. I've been investing in real estate for over 20 years now. I know a lot about this game. When you take away property rights, when you take away development by right, you take away property value. That will come home to roost in the yellow. If you have to seek permission to build a 4-bedroom home for yourself in the yellow area, you have just devalued every lot in the yellow dramatically. Because anyone that is looking to come in that wants to live in this area – that wants to



be part of this, but wants a single-family home like I do – like other people do – they now will look at that lot for sale, or look at that house that's crumbling because it's been neglected for so long and there's nothing left to save. I'm a Historic District Commissioner as well – I've been on the Commission longer than anyone else. I support preservation. There are homes in the yellow that don't deserve anything but a bulldozer, because they're that far gone. If the people looking to develop those into beautiful new homes and be contributing residents in a neighborhood that paid more property taxes than Keith on their single-family home, because it's worth \$1 million – and that's reality. You can go buy a \$200,000 lot in this area, you can build a house with crazed property value of \$1 million. That's possible. Those people – most of them – like Jim pointed out, they're not going to look at it and go, oh, I can go before City Council and I can get approval for a special use permit, or I can get a SPUD, or I can get a CCPUD, or whatever – they're not comfortable with that. They're not going to buy that property on an if. If you pass this, you crush those property values and you take away those potential future homeowners of our neighborhood.

Mr. Brewer – I'll counter a couple of things – I think that there's absolutely enough demand for these neighborhoods that someone would be willing to go through that process, in my opinion, if they really wanted to live there. I also think, from a property value perspective, that's one of the least things I'm not worried about, because I don't want property values to go down, but we have a \$47 million TIF that is going to bring some massive public improvements to this area that's going to make it, from the public infrastructure side, one of the more attractive places, if it's done right, across the state. From a property value perspective, the property values are going to be there. Sure, it's going to make it a little more difficult, but I think that it's just like in historic districts. Property values in historic districts have continued to increase across the country because the neighbors know that there are protections in place about what's going in next to them. Again, that's a highly stringent process there.

Councilmember Hickman – Just real quick. I would say, from my perspective – and I know that the Wilsons who recently came forward with a CCPUD wasn't for a special use permit, but I think if you use them as an example of the – and to Russ's point, we're talking about homes that are going to be half a million to a million dollars. If there's \$1,000 spent and 60 to 90 days to go through a process, the people that are buying and investing in these single-family homes for their family, with all due respect, can afford a home like that and can afford an extra \$500 or \$1,000 to be there, and they want to be there, like the Wilsons, because of the character of the neighborhood. They want those protections that come with something like this, just like they do with the Historic District Commission. Respectfully, I don't see this in the yellow as a deterrent or an impact on property values. It's the same argument that people have been saying about historic preservation, that historic districts negatively affect property values, when I think all the data shows that actually it enhances property values, although it might make things a little more challenging for people who buy there. But people who buy there buy knowing that it's an historic neighborhood and there's going to be these protections and requirements if I want to make change. By doing this now, people will know, if they're buying or want to buy in the yellow area, there are these protections, but there's going to be a little extra cost and a little extra time to make it happen. I think that people, like I said, who are

going to be investing here will have the wherewithal to go through the extra steps and to afford the extra costs. I think that there are people who, like Cameron said, will want to be in this area because it's a unique, beautiful part of our community.

Ms. Hall – Well, just in regards to the yellow Detached, which we're going to get into further down the agenda items. The other thing that I think we might be overlooking is we're assuming that everybody that wants to move in and either renovate a home or build a new home wants to have 4 bedrooms or more. We're kind of operating under that assumption. I think anybody who lives in this area is probably approached frequently about – people who are interested in moving into Core Norman and living in a walkable neighborhood and that type of thing. I would say, just anecdotally, that most of the people I know that are actively looking right now – and there's always people actively looking – I think you've experienced that personally, and probably you have, too. Most people are looking to find this missing middle housing that we're not getting and they are interested in down-sizing and they want a single-family home that's one story, and for seniors who are wanting to relocate, they want to go smaller, not bigger. I think that's part of all of this, too, to encourage this whole missing middle housing and options for people, and not assuming that everybody that wants a single-family home wants 4 bedrooms or more.

Councilmember Hickman – I'm going to restate the motion. Basically to approve the special use requirement for dwelling units with 4 or more bedrooms, as amended – as we've discussed – and with a request for Council to consider potential revision or discount of the fees in the Detached Frontage area. Or do we want it to be in all areas? Or discounted fees in one or more of the areas? Staff, are you okay with that? Basically, leave that decision up to Council, whether or not to discount fees. But for us to consider that.

Ms. Muckala – On a case-by-case basis, or come back as an amendment within our provisions?

Councilmember Hickman – Either way.

Ms. Muckala – I would say it would have to be incorporated as an amendment.

Councilmember Hickman – Okay. That Council considers incorporating a discount on the fees in one or more of these areas.

Ms. Hudson – Okay. I have to ask a question. How can we do that just in the Center City area and not do it for the rest of the City?

Councilmember Hickman – Well, I don't know. That's something that we'll have to discuss. I'm just trying not to get the committee bogged down in the weeds of that. But, rather, fees are typically something that Council deals with.

Ms. Muckala – So the motion is to preserve that as a future consideration?

Councilmember Hickman – Yes.

Ms. Muckala – Could I ask a question? I was a little confused based on the conversation. I just wanted to clarify. Did we want this special use to apply to the middle neighborhood – the pink?

Councilmember Hickman – Yes. All residential zones.

Ms. Muckala – All residential zones. Okay.

Councilmember Hickman – Basically, it will tie in everything but red.

Ms. Muckala – Okay. I don't have it drafted that way right now, so if you would discuss that in your motion.

Councilmember Hickman – Okay. I'm going to restate Lee's motion, to clarify. It will be a motion to require a special use permit for dwelling units with 4 or more bedrooms in all of the residential areas, which is all areas except for red, and with a request that Council consider discounting the fees.

Ms. Muckala – I have an additional question. On the use chart, again, it's rough, but we did have household living as a use that was allowed in those urban general and urban storefront – the red area. So for ground story, I do have that written in if they come for 4 or more bedrooms.

Councilmember Hickman – Okay. So what you're saying is it would basically apply to all areas. Okay, so then special use permit would be required for any dwelling unit in the Form Based Code area that has 4 bedrooms or more, with a request to Council to consider discounting fees for these requests. Did I say that correctly, Lee and Cameron? Beth? Okay, so that's the motion by Lee, seconded by Autumn. All those in favor, raise your right hand. All those opposed. One abstaining.

Mr. McKown – I'm going to abstain. We've got a mess on our hands here.

YAYS:	Brewer, Hall, McMahon, Holman, Hickman
NAYS:	Adair, McCabe, Morris
ABSTAIN:	McKown

Councilmember Hickman – So it passed 5:3:1.

Mr. Adair – Not necessarily today, Bill, I think everybody is unhappy with an awful lot of the product that's been built. Some of the latter ones, I'm getting much more happy with. I think there's an interest in seeing more input here. Cameron, I know you were involved in drafting the TIF. You've brought it up any number of times, to be honest with you. By the time we got to the end of 3 years of the first Center City process, I was worn out and I wasn't involved in the crafting of the TIF. I don't know precisely what it permits or what it would permit. I do know, to a great extent, from my friend Mr. McKown, what

we're seeing in Oklahoma City. We're seeing a TIF that provides financial incentives with an architectural control committee to get a product that they want. Bill, I'd love for us to have a discussion of that, if there's any conceivable way that our TIF could permit that, could generate the funds to do it – it's an avenue through which I would find an architectural control committee acceptable, and I think when you get to the end of that process, then hopefully you have a product you're happy with.

Councilmember Hickman – I agree.

Mr. Adair – I'd love to see us have that discussion before we run out of time.

Councilmember Hickman – I'm hoping that we can get through this impervious surface discussion and then the next item up is the TIF. I've moved that up on the agenda because I know that it will address some of these issues and part of what I want us to talk about.

The next item we have is the impervious surface proposed amendment that we have talked about previously that staff has made some revisions to. I'm going to ask Scott or Carrie or whoever to come up here and give us a quick run-through of what they've done here. From talking to them, I think they've done a great job and they've really tried to put needle to thread, if you will, or drive the Titanic around the icebergs to get you guys what you wanted. I think this is something like, maybe to what Jim was saying, that, if this works, might be something that eventually Council could look at on a broader scale for the community, especially in the areas that are already platted and don't have these requirements in place right now, like Center City.

Mr. Sturtz – The first thing we did was we tried to take this and make it look more like the Center City Form Based Code. The way it's written, I called it Part 9, just because we were up through Part 8 already in the CCFBC. We rewrote it that way, and we tried to incorporate all the comments that were picked up the last time we all spoke about this. If I missed one, correct me – we'll put it back in there.

The last time we did this, under Intent, I added some language there about where this would apply – in the blue, pink, and yellow – so that language is now in there so it is clear as to where it applies. Then also gave, there under part B, just a little bit of explanation of why this is necessary, because I think that contextually that's important so that you understand why this is being done, especially as we look at this as we go forward in the future.

The Site Grading Plan is substantially the same. I don't know that we had any major changes there. The only thing we added was number 8 under 902.A – number 8. We realized that we've had some concerns in the past and we see it in other areas, too, where are we taking that water to, and so all we're saying is let us know – show us it's going to be getting to a public collection space – either the roadway or an inlet so that we know where it's going so we can make sure that we're not dumping it all into an alleyway that's going to flood and cause further problems. We just want to see that. But it's not necessarily part of the site plan. It can just be described.

Then we did Drainage Calculations. I think we spent a little more time here. We tried to give a little more direction. That was one of the things that I heard was there's a little bit of a lack of specificity, so we tried to get a little more specific here. We still are

going back to Section 5000 of the Engineering Design Criteria. There was also a lot of concerns that maybe we weren't being clear enough that this was not a complete drainage report. I tried to solidify that. If someone has got some ways to make that even clearer, perfectly willing to add that language to make that a little bit easier. Some properties, when you look at it, that were pre-developed, they've been demolished since that time. We wanted to make sure that you can utilize that historic impervious area. So if it's totally nothing there now, but there was 30-40% impervious area in the past, that you get credit for that. We wanted to make sure that was written in.

Councilmember Hickman – Just to be clear for everybody. That's the way we do it currently. Meaning, if there is an existing impervious surface area, you would get credit for that.

Mr. Sturtz – Right.

Councilmember Hickman – I just wanted to be clear for everybody.

Mr. Sturtz – Right. It's not a change. We just wanted to make sure it was clear so that, in future interpretation, that was in here and it was protected.

Initially, you're looking at the calculations, the hardest part to do is to come up with your time of concentration. Everything else is plugging constant in place. You can do it in a spreadsheet. We could develop the spreadsheet and hand it out, and it would kick out all the numbers with you just putting a few simple numbers in a field. But the time of concentration is more complicated. In the EDC – in our Engineering Design Criteria – it says that a time of concentration 5 minutes is the minimum allowable time of concentration. So we define that ...

Mr. Brewer – Define time of concentration.

Mr. Sturtz – It is basically the amount of time it takes the water to get from where it hits to the furthest point to where it's collected – in the most simplified of terms. When you get into the EDC you've got several different versions, and there's 3 different calculations, and you combine those to come up with your time of concentration. It's the hardest part of the entire thing. What we're saying is for a single lot, just assume it's 5 minutes – clarify it. If you're working on a single lot, you've got that constant. You use the other constants. Boom, you've got your numbers. It's really going to simplify the work involved. But if you're going to be doing a larger, I do think that at some point we may see that block that wants to be developed at one time. We left in that if you go beyond that, you've got to start looking into the actual time of concentrations. We think that's a good protective for future larger development, but it helps the smaller development and single lots that we're seeing more of today. Then I think from there we're pretty much consistent with what we had before, under that portion.

I know there was a lot of concern about the 65%, so item c under 903 – we reworded that. I think there's going to be some more work on that. That's something that we can discuss. For redevelopment where impervious cover is increasing to 65%, the difference in the runoff between pre-development and post-development must be accounted for through site engineering and/or engineering solutions. We're just looking

at the increase over historic, and not saying that they have to be equal. There are some things that can be done there just with site work that can change that to help.

Then I think really the next changes come down under the Impervious Coverage Incentive. We tried to really make this a little bit more clear. One thing that – up to 65%, we're just saying you can pretty much do everything that's listed above. We'd still like to see some LID in there, because I think it's really useful and helpful as you go through that. As you start getting over the 65%, that's where we start saying, as we discussed last time, that we would like LID or green infrastructure available that would be able to allow increases in that impervious area. We still think that having a manual that says if you build this design of a rain garden, or this design of an infiltration trench, you get X feet of impervious area. We still think that's important, but there's no way we could get it in time for this meeting or probably for this rule-making. So we have included in here that staff will work on that and get that put together. In the interim, we do have an LID manual – we have the City of Wichita/Sedgwick County Stormwater Manual. It's a very good manual; we've used it in our WQPZ – our water quality protection zone – as engineered solutions to reduce the width of that buffer zone. We've put in there that can always be used, but then we'll have this manual in the future as an alternative that will simplify it again to make it easier. We still have the same example there from the Wichita/Sedgwick County Stormwater Manual.

Then we have Section 906 about what could be future TIF stormwater projects. They're really the same, but we did add regional stormwater solutions as an alternative, even though they weren't considered in the initial TIF. Those may be items that could be looked at utilizing that TIF funding. We did add that so it would be there for future consideration. As we're moving forward we can look at incorporating those type of more regional solutions.

Councilmember Holman – On 905 under D – b is downspouts 10 feet away from impervious surface. Describe, I guess, how that would work. Where would they be located on a blue lot where the building is 5 feet from the sidewalk and the parking in the back goes to the alleyway? I don't envision there being anywhere on the lot that's 10 feet away from impervious surface, actually. So how would that work?

Mr. Sturtz – That's something we can look at. Honestly, that's always one of your best protections, because – that's disassociating – you're getting it away – you're not going straight to concrete. You're giving it a chance to have a positive effect. There can be alternatives to that. Of course, since when we initially started this, we've gone to more of the fully connected frontages. You could have been able to put that to a side yard. There may still be some alternatives to do that. That could be a situation where you use a tree well to be able to do that. So in your frontage for your landscaping, you have a tree well and it goes into that, and then the overflow goes on out. I think there are alternatives that we can look at for that, and that's definitely an area that we could look at a little bit of rewording on it.

Councilmember Holman – I was just wondering how that might conflict. And then the regional stormwater solutions – so it's not in the area, but the duck pond is a regional detention pond, and that's what it really is. Is this suggesting that TIF funds could be used

– and that's on OU property. But it could it be used for the enhancement of that detention pond? Is that possible?

Mr. Sturtz – We really haven't gone into what that means yet. We're just is that something we can investigate? Part of the problem with the duck pond is that's on the downstream side, so we still have all the problems that we have until you get there. It would help the downstream from there, but it wouldn't help upstream.

Councilmember Holman – But extra water coming from the orange and blue on the eastern edge of the Center City area is all flowing into Bishop Creek and ends up in the duck pond. Right?

Mr. Sturtz – Right.

Councilmember Holman – So just in between that area is what we need to be focusing on. If we could use TIF funds for stormwater solutions outside the TIF area is what you're saying, potentially?

Mr. Sturtz – I hadn't really considered it being outside of the TIF area.

Councilmember Holman – But it could be to work on the tributary that all that water is going into, even if it's outside the limit of the boundary.

Mr. Sturtz – That's something to be considered. For now, we're thinking of do you oversize pipes to allow some storage? Is there an area where you have some open land that you could build a small detention basin? Those type of items. We were thinking more within the TIF at this point, but that's certainly something that could be investigated. There may be options outside the TIF in an up gradient that would cause some capacity within the streams up gradient, too.

Mr. Adair – Scott, I'm looking at 903.C. Last time we struck the language that basically we started with the impervious area that was existing, but we did it with the caveat that you don't create a problem for adjacent properties. I feel like 903.C is kind of putting that back in there.

Councilmember Hickman – What do you mean, Jim?

Mr. Adair – It's saying you're starting with the pre-development and you're going to come up with an engineered solution ...

Councilmember Hickman – Oh, 903.C. I'm looking at the wrong page. I was looking at 905.

Mr. Adair – No. 903.C. It says you're starting with the pre-development and you're going to come up with an engineered solution up to the 65%. I think I'm envisioning – and Carrie's sitting in the back – you all feel free to help. I'm envisioning a situation where

we're playing with numbers, but you're not creating a problem for adjacent properties, but if you're coming from 25% to 65%, that's a big number to account for.

Mr. Sturtz – We understand that and we acknowledge that, too. The problem is we have to have some way to quantify what we're doing, too. We struggled with this. We probably spent more time as staff talking about this one sentence than we did all the other changes combined.

Mr. Adair – I'm glad I found it.

Mr. Sturtz – This is the complicated part. I mean, to say you can do no harm – how do we measure harm? That's what the effort is, to find a way to help quantify and identify where that harm might be. That's what we're lacking today.

Ms. Evenson – When we talked about this, Scott – correct me if I'm wrong – this isn't any different than what you're already requiring for infill in other parts of the City when they come in and they're increasing that impervious surface up to 65%, then they're required to show, in some way, how they're dealing with that increased runoff from that. Is it simply a grading issue on-site to properly direct it to the street or the closest stormwater infrastructure? Or is it dealing with it in another way? We were just trying to put this into Center City in a fashion to make sure that same requirement is being done in Center City.

Mr. McKown – You could interpret that sentence as meaning basically there have been buildings where the pad has been elevated and additional water is being shed onto the backyard neighbor at a much faster rate than before, which we want to avoid that. If we're basically doing the site grading to bring it to the street, that would be an acceptable solution, presumably. Is that what I'm hearing?

Mr. Sturtz – That's one of the things we've talked about, is site design can greatly impact what happens to adjacent property owners. We do have in here that the water needs to go to the street or to the alley, not to the side onto adjacent property owners. That is an opportunity. Or can we route it through a grass channel that's going to slow the rate to get off, instead of just dumping it directly onto the drive and directly onto the alley, which is a much quicker release of the water into the stormwater system? While we're not putting a numerical value here, we're just saying we need to do something other than just a direct dump. We want to just see some effort put into it.

Ms. Hudson – May I ask a question, just for my own education? You have a lot that somebody comes in and develops. You have 3 lots, one on each side, and you have one in the back adjacent to the property that you're going to redevelop. We have the 3' elevation requirement in this area. Historically, these two lots and this lot back here have utilized this lot to drain to get their water to the street. You've changed the elevation on this lot, hence this one can no longer drain to here, this one can no longer drain to here, so essentially it's backing up on each of these properties. Does this help with that?



Mr. Sturtz – This overall process is going to help us be able to identify that better. Because that's what we can't do today.

Ms. Hudson – Those are the problems we're coming up with. These people that have – and I know everybody wants to develop. I'm not saying that. I'm just saying will this get us to that point that you guys can come in and say the historic drainage patterns have been this and so now we need to make sure it's this?

Mr. Sturtz – Right. In some cases, what's happening is actually it's not that water is being pushed onto somebody else, it's that their water is now being blocked and coming on to where it used to. Now, is it right that lot has been the detention pond for a long time? That's another debatable issue.

Ms. Hudson – Right.

Mr. Sturtz – But we see very similar issues to this every day. In fact, I got a call yesterday from a woman, and I'm sure Carrie is getting them hourly with all the rain that we've had, but the property owner said my water used to go across the neighbor to the east, now it doesn't. I don't know what they did in the their back yard, but I'm getting water in my back door today. Our answer there is we do not get in those disputes. But they have done harm to their neighbor in some way. That's what we're trying to do, is find a way to stop the do harm to the neighbor. I think that it can also help with the development of these properties, too, and I think make an influential and a better development of the property, too, by taking these things into account during the design, rather than us getting to the end and then identifying the problem. That's what we're trying to come to where we can help identify those through the design process so that what is done does not do harm in either direction – water coming on or off.

Mr. Brewer – To the engineering solutions that will be the offsets to add square footage, I assumed that was going to take some time to put together. Do you have any sense of what that timeline may look like to put that menu together?

Mr. Sturtz – No, not directly. We really haven't had time to sit down and put that whole process together yet. We are looking to some situations right now – we're looking at maybe working with a consultant to work on some LID and LID manual type of stuff, and we may be able to put something like this into that at the same time. That's what we're trying to investigate right now. Staff time is pretty limited to stop and put something like this together. We may be able to work within. That's why I knew we had to have something as an interim step, but yet I don't think we can make this a one year, two year – it's got to be a shorter term than that to get this in place, otherwise we've done nothing other than cause a larger problem and not solved anything.

Councilmember Hickman – The interim solution is going to be the existing Wichita manual that has a lot of stuff in it. While that's the stop-gap deal, at the last Community Planning and Transportation Committee meeting – I'm looking at Terry, because he's the one that brought this up – we discussed at the CPTC meeting last week or the week before last to engage a consultant – I'll use the word holistic – to come up with more of a holistic view

and set of recommendations for low impact development to address stormwater issues, and looking at our various – like ordinances, and parking is a good example, to address how we can address stormwater, like I said, in a holistic perspective and reduce the stormwater runoff and put in place best management practices on a broader scale and create a menu that could be used, not only in this area, but elsewhere. That discussion has already started with staff and through the Community Planning and Transportation Committee. The Wichita manual I see as sort of the stop-gap between now and then.

Mr. McKown – Something I'd just like to plant a seed with everyone. As you look at on-street parking potentials, we were talking about this with Muhammad Khan with SMC Consulting the other day. That's two drive lanes. Here's 45° angle parking condition on the wider streets running east and west, and then parallel parking condition and your two drive lanes here. You've got the right-of-way to build 1,100 on-street parking spaces or more in this area. If we wanted to say just the parking stalls were built with gravel underneath 4' deep and some kind of porous paving on top, you could create a significant reservoir for – we haven't done any calculation on it. I'd just like to plant that seed if we're going to do that much parking. Then you could take it even a step further ...

Councilmember Hickman – And we could use TIF money for that, I think.

Mr. McKown – You could. Then here in the landscape bulb-outs that basically create the head of a parking lane, this is in St. Louis, Missouri. That's a filtration garden and they're beautiful.

Mr. Sturtz – Those are the exact LID and green infrastructure things we're talking about. Tree wells. On-street rain gardens. That will help offset the parking areas, too. I want to start incorporating those in regular capital projects anyway. I think that the City ought to be doing its part as well. Those are the exact type of things that we're considering in addition. We've already had one staff meeting regarding the creation and working with a consultant. We had that earlier this week; we're already moving on that. But, yes, you're exactly where we're thinking. But with the pervious pavement and the gravel – cost comparatively, are you better to do an in-ground detention with a larger pipe?

Mr. McKown – Maybe.

Mr. Sturtz – Then you do a leader structure from the end of the pipe. So there's alternatives that we really need to evaluate as to which one is going to be better for our circumstances.

Mr. McKown – It's kind of a two birds with one stone thing – parking and detention could be dove-tailed together and – not to mention these trees are down through here on a 20' spacing – it could be amazing and a tree does magnificent things for taking up water.

Mr. Sturtz – Honestly, I think we need to investigate focal point.

Mr. McKown – Yeah. Use that a lot. Then there's some other means and methods, also.

Councilmember Hickman – When we get done with this discussion right now about impervious surface, we're going to talk about the TIF, so all this goes right in there. Do we have any other questions?

Councilmember Holman – I was just going to mention, because of that picture – that's exactly what I think we should do in the blue and the orange and probably the pink as well, is allow parking in the right-of-way like that – angled parking. I think the parking that we're putting in in front of Peter's place should be angled parking and not parallel. I think we're making a mistake there. I think that's exactly what we need to do with the rest of this, instead of putting more parking in alleyways.

Councilmember Hickman – Okay. So I'm going to ask for a motion to recommend – I'll put it that way – motion to recommend the proposed stormwater drainage requirements. Does anybody want to make that motion?

Mr. McKown – I'll make it.

Councilmember Hickman – Second? Do we have a second?

Councilmember Holman – Second.

Councilmember Hickman – Alright. We have a motion and second. All in favor, say aye and then we can talk about the TIF.

YAYS:	Adair, Brewer, Hall, McCabe, McKown, McMahon, Morris, Holman, Hickman
NAYS:	None

Councilmember Hickman – Okay. Passed unanimously. Item number – next – is about the TIF. Thank you so much, Scott and Carrie. Thank you.

Ms. Hudson – Can I have two minutes?

Councilmember Hickman – Jane Hudson, you have one minute.

Ms. Hudson – Okay. I have a minute and a half. Today's the 30<sup>th</sup>. We did schedule an additional meeting Monday, the 3<sup>rd</sup> from 11:00 to 1:00. Again, lunch will be provided. Then June 6, again, just going through the timeline here. I just wanted to remind everybody. So June 3<sup>rd</sup> is Monday. Today after the meeting and tomorrow I will be working with staff to get a red-lined copy for everybody, and it's going to be tomorrow afternoon, guys – I'm just telling you – trying to get everything done. I will deliver after 5:00 – whatever we have to do. But we're going get a bound copy and I want to get it to the committee members and let them have a chance this weekend to take a look at it, so that we can come back on Monday and essentially will be the ...

Councilmember Hickman – Yep. Monday will be the day that we will go through the red-lined version, make any final last comments, suggestions, changes. There are still things on our list here. That's when we will also discuss the continuation of this committee. What I will probably recommend is going to be that we pause, if you will, so that we aren't continuing to occupy staff's time, because their hands are going to be full from our next meeting June 3<sup>rd</sup> through the Council vote in July. So we will probably take a break and start reconvening after the July Council vote, once this is kind of done, so we can all just stay focused on the package of recommendations that we're sending to Council to adopt, and then once that's done, for those that want to continue to serve, and if Mayor-Elect Clark wants to make this a more formal committee, and the Council, then we will begin to reconvene and discuss the additional items that we either didn't get to, one of which, obviously, is the design review committee, and there's a few other things on here, like another corner lot issue we talked a little bit about. We may get a couple more of those done real quick, if we have time today or next Monday. But then obviously we'll carry over several items as well. So go ahead, Jane. I'm sorry.

Ms. Hudson – That's okay. I just have the calendar here just to remind you. We're going to have a Pre-Development meeting at 6:30 on the 20<sup>th</sup>. I have no idea who is going to show up for that meeting, but I really would like for the committee to be there. Previously when we had Pre-Development of the Center City Form Based Code – it would just be nice if you guys were there to answer any questions that the community might have.

Ms. Hall – Did you say 6:30?

Ms. Hudson – Yes.

Councilmember Hickman – Then the Planning Commission meeting is the 27<sup>th</sup> at 6:30.

Ms. Hudson – And then this is for Beth.

Councilmember Hickman – Okay, Beth. You ready?

Ms. Muckala – I think so. I get the impression you want to hear about stormwater, so I promise I'm going to put that in here. I do have a very general outline about the TIF. I want to talk about just the parameters, because we have others and I want to say any differences between that TIF, this TIF so that we know what we're dealing with.

So our TIF was obviously passed under Oklahoma Local Development Act. You can look at that for the specific parameters. But, generally, we passed it to stimulate and promote those smart development practices. Our project plan, as adopted, back a couple years ago – there were two avenues, essentially, to achieve those objectives. The first was publicly-funded projects. We've talked about that can be streets, roadways, alleys. We've talked about stormwater; that's definitely a possibility. Public infrastructure. There is a Johnson study, which we've mentioned before, which has a lot of these costs estimated. They're estimated, generally, and this was before my time, so I can't speak to the specifics of the plans for stormwater. I can tell you that, of the \$44 million estimated, almost \$8 million of that was for storm sewer cost. It's set out sector by sector, so some general infrastructure ideas in that plan.

The other avenue is what we've talked about as being a public/private partnership. This TIF wasn't intended to have public funds going to pay for private development. That is unique here. Here, private development financing is available through the TIF. It's a financing mechanism; it's not a funding mechanism. I wanted to make that clear. Those are the two ways that we get to the plan objectives.

I just want to tick through those really quickly, because it's the reason you're all sitting here anyway. The project plan objectives are to preserve and enhance the tax base, to support and incentivize attractive, high-quality and viable mixed use development, encourage private development, to stimulate the Center City to be livable, walkable and a vibrant destination, to increase public quality of life, and to increase public benefit by public infrastructure construction and improvements.

Another way that this TIF is different from others we've seen is this increment district is the same as the Center City project area. The geographical parameters are the same. I want to bring this up because one of the items later on in the agenda and for public consideration might be changing the Center City boundaries, which might also prompt consideration of changing the project plan, which is a much more involved process. That's one reason, I think, that has been a subject for later discussion.

This is an ad valorem only TIF. It is only drawing from the ad valorem taxes and, as part of the project plan, the taxing jurisdictions reached an agreement to take 10% of the increment. The next slide just lists out the numbers. As I mentioned to you, the estimated project costs – about \$8 million of that was for storm sewer improvements. Just estimations as to the increment, between \$120,000 and \$3.7 million annually. None of that has been received yet – it's not in the coffers. Right now we would be talking about bonding for perhaps capital fund use and reimbursement. My understanding is we do have some bonding potential at this time. As far as the timeline goes, you may remember that this was put in place, I think, December of 2017, so that it would catch values in the 2017 year, but it did not start generating increment until the next year. I just wanted to clear up any confusion. That's why we don't have any funds yet. It's still trailing behind by a year. There was an estimation of \$82 million in private investment. Under the plan, the City did commit to put \$3 million toward project costs.

The next slide lists out the ideas for the TIF discussion. Whenever this committee first convened, I understand those have expanded since then, but streets and alleys have always been a point of discussion, the availability of funds to do that, and the Johnson study covers alleyways. It covers streets. Those are definitely items that can be covered by TIF funds and addressed by TIF funds. Going forward as a policy consideration, that's definitely a viable option. Is there private interest in doing some of these developments and obtaining financing through development assistance? That's something we can talk about. Do we want to consider incentivizing or encouraging that? Looking at the bond potential, getting more specific numbers would require us to go out and have those calculations done. But the numbers, based on the current development, indicate that bonding potential is definitely there.

The last point is, I think, the most important one. Identify not only those geographical areas where we think we want some of these projects to be implemented, especially streets and alleyways, but now you've been talking about stormwater improvements. What types of stormwater improvements? You discussed regional detention ponds. As far as a concept, I don't see why that would not be included in the potential for using TIF funds. The question regarding the duck pond would more raise the

geographical boundary question, and it's not within the geographical boundary and my initial reaction is that would probably require an amendment as far as the infrastructure leading into it.

Councilmember Holman – It's being impacted by the Center City development. The duck pond is going to be impacted by the Center City development.

Ms. Muckala – In which case, I would definitely repeat what Mr. Sturtz said, further investigation is needed, and it is definitely a good question.

Councilmember Hickman – Okay. Thank you, Beth. Were you done?

Ms. Muckala – I am.

Councilmember Hickman – Okay. I wanted to go ahead and call on Cameron. We happen to have on our committee Cameron who, at the time, worked for another entity and was intimately involved in the creation, formation, and calculations of the Center City TIF, and get his two cents on the TIF and any thoughts he may have for the committee to consider, or any recommendations.

Mr. Brewer – First, I never thought we would actually be talking about the TIF with the way discussion was going up to this point. So I'll probably have some more thoughts as we're continuing to talk through things.

Overall, this TIF really was created for infrastructure. One of the things that was identified through the process of putting together the Form Based Code was that there are infrastructure improvements – public and some that are called for from private side – for requirements for developers that were above and beyond public infrastructure that's been called for in most other parts of the City. Part of that was requiring a higher development quality, which was also requiring higher quality infrastructure upgrades. Big discussion has been about density. We're increasing density. This area was really built as a single-family home area. There's not only aging infrastructure, but infrastructure that is not built to realize the capacity for increased density. That's where, from a Council side – you can tell me if I'm wrong – but the discussion was in tandem with the adoption of the Form Based Code where, if we were not able to adopt the TIF that was able to upgrade infrastructure, then Form Based Code likely would not have been adopted because of the increased density there.

As far as the Johnson & Associates report, they did call for upgrading all public infrastructure in this area – roadways, water lines, storm sewer, sidewalks, alleyways, streetscapes. Scott will have more color on this, but the feedback from Public Works is that there were plenty of upgrades to infrastructure that were needed. May not need upgrades to all infrastructure, so that's something to keep in mind. As far as the conservative estimates from Johnson & Associates report, they were confident that they felt that there was enough contingency to, over time, stay within the TIF budget and make all infrastructure upgrades that are necessary to match that increased density.

One thing that did not come out of Johnson & Associates report was a full survey of the area. This is something that, not only a survey, but a design for what this would look like. There are street sections that are included there. They're very general. There's one

for James Garner. There's one for Main Street. There's two different neighborhood types. However, as we know just walking through the area, the rights-of-way and the property lines in this area differ greatly from street to street. So I think that one really strong recommendation this committee can make is to put some TIF funds toward a consultant that could come up with a master plan and full survey for the area, so whether we're bonding funds – we're not going to be able to bond the full \$47 million right now. But it's putting in not only a phasing plan, a true design within the right-of-way that's possible for each of these street. So it's not a question on a case-by-case basis, lot-by-lot basis, of when these infrastructure upgrades are called for by the Form Based Code. There's already a plan in place that Public Works can point to and say, yes, this is within the plan and these are TIF funds to pay for those public infrastructure upgrades. Johnson & Associates is really a cost estimate, as much as anything. It does go section by section. They broke it up into 51 different sections throughout the entire area. But it was just to get to a cost number to then get to the TIF budget.

Going back to what I was saying earlier, from a vision side, there is nothing more important in a form based code, or in a new urbanist development, than the public infrastructure. That is what people feel. That is what people use. Everything that we're talking about on the code side of building structures is just as important to match that, as far as a pedestrian or bicyclist or resident – how they interact with those – or how they feel about that area, but how they interact with the structures and having an active street edge, things like that. The public infrastructure is key, and this is talking about streetscapes and sidewalks that feel good from a walkable perspective, creating that through connection between downtown and Campus Corner.

I'm excited about what the TIF possibilities are here. From some of the analysis I was doing, I definitely think that there's bonding capacity here for a number of reasons for the development that has already occurred, for basically were assessed value relative to taxable value is in this area and in future increases in those values over time. These are projects that I think, as an example, we should target the most impactful streets that will create that connection from downtown to Campus Corner to set that tone – to set that example of this is not only why we adopted the Form Based Code, but this is why we adopted a TIF to put costs to upgrading that public infrastructure.

One thing, Jim, to your point – I'm not necessarily opposed to the idea of private incentives, but how the TIF project plan was written, it was written to pay for infrastructure only. So, as written, there's not that possibility there right now.

Mr. McKown – Cameron, not to – I'm just looking at the clock, man. I want to touch on that point. I agree with everything you've said. I will be happy to give more of my time, that I've gotten really grouchy about at this point, to work on this infrastructure piece. I've already modeled the crap out of it with bike lanes and without and etc. I'll come help.

If we want to get the housing we want, there's a way to do that. San Antonio – they're in a different state. I know that's hard to picture that they have different laws down there. Oklahoma has a “but for” requirement in our TIF enabling. What that basically means is, when Oklahoma City does a TIF that is utilizing the \$20 million in housing that's in the downtown TIF, for example, you have to go and demonstrate that this isn't going to happen – this would happen but for the fact that we're having to build structured parking, therefore we need tax increment financing and a grant – not a loan

– to be able to afford to pay the 25% increased costs that it costs to build an urban building. We're not getting what we want, and if ever there was a case where you could say we're not getting what we want and it's the "but for". People would build 1-bedroom and 2-bedroom apartments, but for the fact that they cost so much more to build because you have to build a kitchen – 1 kitchen for 6 bedrooms, or 1 kitchen for 1 bedroom. It's a significant cost impact, not to mention all of the other things that go along with that.

What I propose that we consider, given that we have a whole district in the but for thing, is that we say if you build a 1-bed unit/1 bath of 650 square feet minimum – because we really don't need a tiny unit – I'm not against tiny units, but just call it 650 minimum, 1 private parking space, you're eligible for \$10,000 in development assistance TIF grant per unit, and that would be comparable to San Antonio. Theirs is \$8,000, but it's for any unit. Then jump down to a 2-bed/2-bath with 900 sq. ft. minimum, you could be eligible for \$8,000 – not per bedroom. Let's be clear. Per unit. Because the real demand is the 1-bed. If you want the young, single professional that's out of school, they want to live in a 1-bed. We can't keep them. Nobody downtown in Oklahoma City can keep their 1-beds in stock. Everybody's got 2-bed vacancies. No-one builds 3-beds. That's student housing. If you build a 3-bed, you get zero. You're not even eligible for any TIF development assistance, because it's not needed – because then you're student housing. That money gets administered – recommended, and it's important that this is a recommending body, because it's City Council that's going to actually have to approve the TIF grant, and so the money is recommended by a design review committee.

Councilmember Hickman – Can I have a motion to make that recommendation that Richard just said? I think that's a great idea.

Ms. McMahon – So moved.

Councilmember Hickman – Can I have a second?

Mr. Adair – Second.

Councilmember Hickman – All those in favor, raise your right hand. Any opposed?

YAYS:	Adair, Brewer, Hall, McCabe, McKown, McMahon, Morris, Holman, Hickman
NAYS:	None

Councilmember Hickman – Good job. What he just said is great. The 1-bed, 2-bed. I understand the logic and everything you said exactly. It ties into design committee. I think that's a recommendation that I feel good about this committee making to Council and include in our report. It won't be any written changes per se, but it will be written in our report somehow. It will require an amendment to the TIF. But at least this committee has made that recommendation. I think it's something for Council to consider.

Mr. Adair – I'm assuming that change puts us back in front of a statutory committee?



Councilmember Hickman – It would. It would be a project plan amendment. Right, Beth?

Mr. Adair – One thing, and we don't need to solve it today, and Scott will shoot me for over-simplifying this far, but Stephen was talking earlier about doing drainage improvements to the detention pond. The detention pond – help me out here – is going to help solve water coming out of Center City and going downstream – the duck pond.

Councilmember Hickman – Not the water in Center City.

Mr. Adair – We need a detention pond upstream of Center City to restrict the water coming into Center City. Which means we probably need a detention pond outside of the defined area, which, when we get back in front of the statutory committee again, would be the opportunity to bring up something like that and evidence the need.

Mr. Brewer – We also need to be conscious of what increment will be generated in this area and how that will actually translate to a budget to implement this infrastructure. So I agree. I just was going to say I'd like to make a motion that a plan is developed – a full survey of this area with a design to match for all right-of-way for public infrastructure.

Mr. McKown – I second it.

Councilmember Hickman – We're thinking a master urban design plan.

Mr. Brewer – Yes.

Councilmember Hickman – Okay. So master urban design plan with a survey, with phasing of recommendations as to the expenditure of TIF money on infrastructure improvements. Okay. We have a motion and a second. All those in favor raise your hand. Any opposed?

YAYS:	Adair, Brewer, Hall, McCabe, McKown, McMahon, Morris, Holman, Hickman
NAYS:	None

Councilmember Hickman – Great. I love both of those ideas. I think they're very important. Jim?

Mr. Adair – Homework. I keep sensing we're going to have discussion about pulling the yellow area out of Center City?

Councilmember Hickman – I don't know if we are, now that we did the special use permit.

Ms. Hall – I have an answer for that.

Mr. Adair – When Keith was talking about changing the area and if we pull it out we may have messed with the TIF.

Councilmember Hickman – Hold on real quick. Let me let Stephen.

Councilmember Holman – Just one quick comment. My thought about the duck pond issue was that improvements to it could help get the water out of Center City faster. Since we can't find a place to prevent more water from coming into Center City, what can we do to get it out faster and improvements ...

Mr. McKown – That's probably a legitimate argument that it's connected because – it can be outside the boundary. But again, I'm all for working on it.

Councilmember Hickman – I love the idea of the detention, or the bigger pipes, or underground all the different parking lots. I think both of those are great ideas.

Lee? So let's drop to number 7 – redistricting of Detached Frontage. Do you want to answer that question, Lee?

Ms. Hall – What I'd like to do is talk about both of them at the same time, if that's okay with all of you. First thing I want to say is I really do want to thank everybody because I've learned a lot. We're almost at the end of this phase, and I've learned a lot from all of you. I appreciate your input, because I've been trying to come up with a solution that makes some sense about the yellow Detached Frontage area, and I have a new appreciation for why that kept going to the end of the list as you all were working through the advisory committee, because the issues are so complex for everything else.

Originally, from input from community members, it seemed like the straightest line was to take the yellow detached out. I have completely reimagined that, because of all of these other issues and the notification, the amending – all of those kinds of things. I have thought about, okay, how can we solve our issues without changing the boundary, which would be the straightest path forward? What I am proposing for you all to give some consideration to today is what seems to me like a pretty simple change to accomplish the only purpose of the yellow frontage, and that is to protect the character of the existing single-family neighborhood. One of the ways to do that is to change the front building line from 10', which is how it is ...

Ms. Hudson – Approximately.

Ms. Hall – Okay. Approximately – yeah. Correct me as we go. To change that front building line and restore it back to the 25' building line that currently exists for R-1, Single Family Home neighborhoods in Norman, and particularly in Core Norman. What that accomplishes is it really does reduce the threat of disrupting the active street edge by maintaining the consistency of what the current building line is in this area. Not only is this supposed to be a transitional area – I understand that – but it's also an historic area that Cameron really spoke so eloquently about, that from the charrette process most people pointed to as wanting to have this Detached Frontage area look like. Exhibit A is here is a photograph in Detached Frontage. This is what we would like the yellow Detached Frontage to look like, and that's at 411 Comanche, which is already in the old Detached

Frontage. I understand the whole thinking about pulling things forward, but my fear in this very small transitional area is that we're going to see that disruption of the streetscape, because you're going to have older homes that are going to exist for long periods of time, and any new construction you're going to have that pulled out and you're going to disrupt all that.

I got out on foot the last couple weeks and really walked around that area. You've got University from Symmes to Main Street that is a beautiful transition piece already. There are large, kind of imposing two-story/three-story homes. Then you make that transition to the smaller scale/smaller size single-family homes on Comanche, Symmes and Eufaula. I just think with this simple change that we go a long way to preserving the character of the neighborhood, which is the whole idea of the yellow Detached Frontage to begin with.

Councilmember Hickman – Okay. I guess what you would be asking – the motion would be to revise the Form Based Code in the yellow area to amend it to be that the required build line is the 25' build line that would be traditionally in R-1 zoning. So if Lee makes a motion, do we have a second, and we can have debate about it – discussion?

Mr. Adair – I'll second. I think we may want to tweak the area just a little bit. Is that what you're?

Councilmember Holman – My only, I guess, question about that would be the properties that face University Boulevard. Are those properties already at a 25'?

Ms. Hall – Yes.

Councilmember Holman – A lot of them seem pretty close to the street. I want to look at something so that if the properties on University are redeveloped that they are more of an urban form. I prefer these houses stay right there where they are because I think they're great. But if they were to be redeveloped at some point in the future, I wouldn't want new buildings to be 25' back – on that street only.

Councilmember Hickman – Jane, aren't we pretty confident that the existing structures on University are at a 25' setback?

Ms. McMahon – Yeah. The vast majority. We've got a few exceptions.

Councilmember Hickman – As I've thought about this and looked at this, Stephen, one of the things that's come into my mind, especially on University, if we required them to come forward to the 10', we're probably going to lose a lot of the tree canopy in that area, in particular, because of where the trees that are currently planted. I just know about this because I run in the area and because of the impact on some of the sidewalks the trees have had – that there are a lot of trees in that area that would probably be lost. I hadn't thought about this until Lee and I were discussing it. For whatever that's worth for those folks that think about the tree canopy on University, I think it would be impacted if we don't make this change. I know that's something I've heard from some of the

builders even about moving buildings up to the street – it could impact trees. This is an area where it absolutely would.

Councilmember Holman – Well, I would say, just looking at the street view right now, all the trees on University are in the right-of-way. The tree canopy along University, all the trees are between the sidewalk and the street.

Councilmember Hickman – Oh, okay.

Councilmember Holman – Almost. I wouldn't say all of them, but 90% of them are.

Ms. Hudson – These two lots up here at the corner of Comanche and University – it looks like the required build line is probably going to be maybe 5'. Again, this varies as we go along. Once you get south of Comanche down to Symmes, it looks like these were already established at about 20'. It could be that they're more than that, but they might be close to 20. Same thing across the street. So they really tried to mirror. Some of these will develop toward University and some of these are going to develop toward Eufaula and Comanche. Overall if you put the yellow at 25' that will take care of whether you're going to develop facing north or you're going to develop facing into University.

Councilmember Hickman – Jim, you had something you wanted to add?

Mr. Adair – I think this is exactly on target. I mean, remembering back to the initial process, the first time Mary Madden presented the required build line to us, literally we all kind of went you're talking about total redevelopment. Over a 40 year span. For the yellow area that was never the intent.

Ms. Hall – Yeah. I think it accomplishes encouraging keeping the historic character of the neighborhood, and it accomplishes the goal of that transition. You've got the blue really coming very close to University, and then you've got the orange where the east border of the yellow is split even on a block. When you actually get out and walk, it all flows. University from Symmes to Main Street is almost like a boulevard. It's not as close to the street, but you definitely have that sense of an energy and a street edge and it's already in place. That just seemed like a much more straightforward way, without having to go through the boundary change. You may recall that we pointed out that there's a portion of this yellow Detached Frontage area that has been surveyed, and on Park Drive, in particular, 75% of those homes are considered contributing structures. Symmes has also been inventoried in this boundary area. It's respecting all of these competing ideas, when literally what's intended is to preserve the existing neighborhood.

Councilmember Hickman – Okay. So we have a motion and a second to amend the Detached Frontage to revise the required build line from what it is currently back to what it was under R-1, to 25'. Essentially the existing structures that are in place can remain in place and any redevelopment would be back at that existing line. All those in favor raise your right hand. Any opposed? Stephen, did you vote yes?

Councilmember Holman: No. I'll vote no.

YAYS: Adair, Brewer, Hall, McCabe, McKown,  
McMahon, Morris, Hickman  
NAYS: Holman

Councilmember Hickman: Okay. If you look at your agenda real quick, I know we're already over time. I want to recap this real quick for you guys. We've talked about 2, 3, and 4. What I'm going to recommend is on numbers 5 and 6, I believe staff has some ideas, and I'm going to ask staff to go ahead and draft what they would make as the recommended potential solutions for numbers 5 and 6 and we will include that in the packets for you and you can review it and decide whether or not to approve it at that time. But at least that we're trying to solve those problems at the same time. Jane, real quick.

Ms. Hudson – Those will show on the agenda so we can actually talk about it next time.

Councilmember Hickman – Go ahead and draft the changes, Jane. Then on number 7 and 8, I think that those are done now. We're not going to remove Detached Frontage, and we've done something to preserve Detached Frontage. Now we're down to number 9. What I'm going to ask each committee member to do is to bring to the next meeting topics that you would like for the continued future review and discussion by the committee. Okay? We'll put that list together for the recommendation for this committee to continue work on. Richard?

Mr. McKown – I've got a couple of very simple suggestions for the signage and I would like to get it back on the agenda to talk about next meeting. You could take this proposed language and think about it, rather than punt it to the beyond.

Councilmember Hickman – How about if Jane incorporates it into the changes and when we review the manual it will be in there? Next meeting, I'm anticipating – you're going to get this in advance, so please – I know you're all really busy – please do try to look over it. The next meeting I don't know if we're going to have time to do really anything else, so I'm trying to limit that agenda to be going through the changes. If everybody shows up and they've read it and you've got here are my comments on these items, we can go quicker and have more time for other things. If it's literally page by page by page – because, ideally, I'd like to get to where we've all looked at it and we either vote the whole changes up or down. If we need to pull certain things out, we can. That's so you know where my mind is at for the next meeting. The next meeting we'll also discuss what this committee is going to do in the future and the topics, like I said on number 9. So everything below 9 – 10, 11 and 12 – if those are things you want to have on the continued discussion list, please bring them back up next meeting. Yes, Jane?

Ms. Hudson – I want to make sure – would you please send me your current cell phone numbers so Friday afternoon, when I get this done, I'll know that I have everyone's cell phone number. I know some people either work in the city or they won't be here before 5:00, so I want to be able to get the copy to you so you'll have it for the weekend.

Councilmember Hickman – I want to thank you so much. I know there have been times that we've all butted heads – or I've butted heads with all of you all. But I really, really, really, really, really appreciate all you all's time and effort. Just know that if I butt heads with you, it's just because I'm passionate and I'm a lawyer, but I still love all you all and appreciate all your time and service. I think we've done some great work and I'm really looking forward to this final product, and I want to really appreciate staff. They have been working so hard on this. Thank you guys.

So Monday, one more lunch. Terry had the most important question of the day. What do we want to have for lunch? Do you want to have Panera again? Do you want to have McAlisters? Somebody has thought about barbecue. What do you want?

Ms. McMahon – Not barbecue.

Mr. Morris – Pepe Delgados.

Ms. Hudson – Qdoba?

Councilmember Hickman – Can you do that, Terry? Alright. Thank you guys so much. Have a wonderful weekend. Enjoy this beautiful weather.

Adjourned 1:13 p.m.